

REMARKS/ARGUMENTS

35 USC § 112, first paragraph

Claims 1-12 were rejected under 35 USC § 112, second paragraph, as being indefinite for use of the terms "undesirable", "undesired", and "such as". The applicant agrees and amended the claims accordingly.

35 USC § 103

Claims 1-12 were rejected under 35 USC § 103 as being obvious over Twardowski et al. (U.S. Pat. No. 5,858,240) in view of Yuan et al. (Shihua Jishu Yu Yingyong (2002)). The applicant respectfully disagrees, especially in view of the amendments made herein.

As amended, the claims expressly require a "...process solution containing a color imparting ion, at least one component selected from the group consisting of β -sulfo propionic acid and β -sulfo propionitrile...", which is neither taught nor suggested by either of the references. Moreover, the office stated that Twardowski's process was broadly directed to nanofiltration of salt solution. However, this is not entirely true. What Twardowski teaches is the discovery that *NF membranes unexpectedly allow passage of Cl⁻ anions across the NF membrane when Cl⁻ anions were present at high concentration*. With respect to Yuan, it should be noted that this reference deals with membrane separation, however, does not elaborate on what type of separation: Ultrafiltration, reverse osmosis, or nanofiltration.

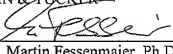
It should still further be noted that *color imparting ions, and β -sulfo propionic acid and/or β -sulfo propionitrile* (all at least conceptually) could pass through the nanofiltration membrane due to their small molecular weight and charge. However, as the specification makes clear, these compounds are indeed in the pass fraction and the *permeate is substantially devoid of those compounds* (see e.g., Table 4). Such result is neither taught nor suggested by the references. Consequently, the claims as presently amended should not be deemed obvious over the cited art. Therefore, the claims 1-12 as amended herein should not be deemed obvious over Twardowski et al. in view of Yuan et al.

In view of the present amendments and arguments, the applicant believes that all claims are now in condition for allowance. Therefore, the applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

~~RUTAN & TUCKER~~

By


Martin Fessenmaier, Ph.D.
Reg. No. 46,697
Tel.: (714) 641-5100